



Case Details

Butte County

Case Number
CE18-0649

Description: LARGE MARIJUANA GROW, NO LEGAL RESIDENCE		Status: LIEN PROCESS
Location: 39° 33.948' N 121° 22.132' W		
Type: MARIJUANA	Subtype:	
Opened: 6/13/2018	Closed:	Last Action: 4/23/2019
Site Address: 0 CRYSTAL RANCH RD FEATHER FALLS, CA 95966		File Wp:
Site APN: 071-270-029		Officer: DEBBIE LAUGENOUR
Details:		

Case Summary

[15] INSPECTIONS

VIOLATIONS

[63] ACTIONS

316

15

63

CASE OPEN

OPEN

COMPLETED

ADDITIONAL SITES

LINKED CASES

CONTACTS			VIOLATIONS		
NAME TYPE	NAME	ADDRESS	PHONE	FAX	EMAIL
ATTORNEY	Samuel D. Berns, Esq.	5701 Lonetree Blvd. Rocklin, CA 95765	9162236147		
OWNER	LE ANHTUAN ETAL	1874 N CAPITOL AVE #109 SAN JOSE, CA 95132			

FINANCIAL INFORMATION									
DESCRIPTION	ACCOUNT	QTY	AMOUNT	PAID	PAID DATE	RECEIPT #	CHECK #	METHOD	PAID BY
D4 MM ADMIN PENALTIES LCL FINES	0010-4404000-431104-4401	0	\$66,000.00	\$0.00					
Total Paid for D4 MM ADMIN PENALTIES LCL FINES:			\$66,000.00	\$0.00					
D4 MM COSTS CHRG FOR SVCS	0010-4404000-462005-4401	0	\$6,078.27	\$0.00					
Total Paid for D4 MM COSTS CHRG FOR SVCS:			\$6,078.27	\$0.00					



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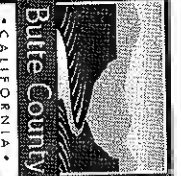
Case Number
CE18-0649

HEARING OFFICER CONFIRMATION EMAIL

Good Afternoon:
This email will confirm that Mr. Gallart is available to preside over our Marijuana hearing.
Please see the case details below, and be sure to let me know if you have any questions or concerns.

Date: 11/1/18
Time: 9:00 a.m.
Location: Oroville Superior Court
Case: CE18-0649
APN: 071-270-029
Address: 0 Crystal Ranch Road,
Feather Falls
Owners: Le, John Etal and LE,
Anhuan Etal
CEO: Matt Fuchs
Thank You

EMAIL	DEBBIE LAUGENOUR	9/10/2018	9/10/2018	RECEIVED LETTER OF REP FROM ATTORNEY BERNS. SCANNED AND ATTACHED. UPDATED TRAKIT CONTACT INFO TO REFLECT DATE RECEIVED.
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EMAIL	DEBBIE LAUGENOUR	10/3/2018	10/3/2018	<p>RESPONSE TO ATTORNEY ADVISING ORIGINAL IS NOT NEEDED.</p> <p>From: Laugenour, Debbie Sent: Wednesday, October 3, 2018 8:20 AM To: 'Sam Berns' <sam@bernsllegal.com> Subject: RE: Letter of Representation</p> <p>Good Morning</p> <p>Thanks for sending the letters of representation. Your name has been added to the cases and you will receive all documents from this date forward. There is no need to send an original.</p> <p>Regards</p> <p>Debbie Laugenour, Office Specialists, Sr.</p>
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Case Number
CE18-0649

REQUESTED COST FOR DEMAND FROM CC

From: Laugenour, Debbie
Sent: Thursday, November 15, 2018 8:15 AM
To: Tauchman, Beverly <BTauchman@buttecounty.net>;
Waybright, Christine <CWaybright@buttecounty.net>
Subject: Le, CE18-0649 0 Crystal Ranch Road

Good Morning:

Our office has concluded the case work on the above-noted matter. At your earliest convenience please forward to me the cost for demand.

Thanks

Debbie Laugenour,

EMAILED DECISION TO CEO AND MANAGER

From: laugenour, Debbie
Sent: Thursday, November 15, 2018 8:13 AM
To: Fuchs, Matt <MFuchs@buttecounty.net>; Jellison, Chris <cjellison@buttecounty.net>
Subject: CE18-0649 0 CRYSTAL RANCH - HEARING DECISION

Attached please find the hearing decision for 0 Crystal Ranch Road. We prevailed and were awarded \$66,000 in pre-hearing penalties. So far, this is the largest amount of penalties assessed this year. The marijuana was abated on the hearing date so there will be no further penalties.

Debbie Laugenour,

EMAIL

DEBBIE LAUGENOUR

11/15/2018

11/15/2018

EMAIL

DEBBIE LAUGENOUR

11/15/2018

11/15/2018



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CE18-0649

GENERAL NOTE	DEBBIE LAUGENOUR	10/3/2018	10/3/2018	CC ADVISED THAT THIS PARCEL OWNER HAS AN ATTORNEY. I WROTE ATTORNEY REQUESTING A LETTER OF REP. ADDED ATTORNEY IN CONTACTS.
GENERAL NOTE	DEBBIE LAUGENOUR	11/15/2018	11/15/2018	RECEIVED HEARING DECISION. ADDED PENALTIES TO SPREADSHEET AND TO DEMAND CALCULATIONS. EMAILED COPY TO CEO AND MANAGER. REQUESTED COST FOR DEMAND FROM CC. ADDED VIOLATIONS TO DEMAND.
GENERAL NOTE	DEBBIE LAUGENOUR	11/29/2018	11/29/2018	RECEIVED COST FOR DEMAND. ADDED TO SPREADSHEET AND DEMAND CALCULATIONS. SCANNED AND ATTACHED.
GENERAL NOTE	DEBBIE LAUGENOUR	12/21/2018	12/21/2018	FINALIZED DEMAND. COPY TO MANAGER TO REVIEW. COPY TO CEO TO POST. COPY TO COUNTY COUNSEL TO MAIL. SCANNED AND ATTACHED. ADDED PENALTIES AND COST INTO TGRAKIT.
GENERAL NOTE	KIM MCMILLAN	4/23/2019	4/23/2019	SCANNED AND ATTACHED CLERK RECORDERS RECEIPT
GENERAL NOTE	SHAWN WILLIAMS	10/22/2018	10/22/2018	On 10/22/2018, I assisted the CEO in charge of this case by sorting the helicopter inspection photos into individual files in the department server.
GENERAL NOTE	WILLOW EMBERLAND	12/27/2018	12/27/2018	PREPARED SETTLEMENTS, BOTH PAID IN FULL AND PAYMENTS
GENERAL NOTE	WILLOW EMBERLAND	3/22/2019	3/22/2019	PROPERTY OWNER ANHTUAN LE CALLED THE CODE ENFORCEMENT OFFICE, STATING THAT HE RECEIVED THE PROPOSED LIEN THAT WAS POSTED ON HIS PROPERTY. HE THEN SAID THAT HE DOES NOT OWN THIS PROPERTY AND THAT IT IS IN FORCLOSURE, OR THE ORIGINAL OWNER TOOK BACK THE PROPERTY. I HAD TOLD HIM THAT A HEARING WAS ALREADY HELD AND THE ONLY OPTIONS ARE TO DO A SETTLEMENT AGREEMENT AND IF NOT THE PROPERTY WILL BE LIENED. WE CAN NOT NEGOTIATE
HEARING DATE	MATT FUCHS	11/1/2018	11/1/2018	Hearing with Williams and Wilson.
HEARING DATE	SHAWN WILLIAMS	11/1/2018	11/1/2018	Hearing with Fuchs and Wilson
HEARING NOTICE SENT	MATT FUCHS	9/7/2018	9/7/2018	Hearing notice mailed.
LIEN PROCESS	DEBBIE LAUGENOUR	2/5/2019	2/5/2019	LIEN DOC PREP

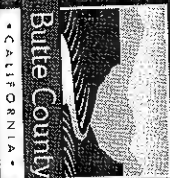


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PHONE CALL	MATT FUCHS	9/4/2018	9/4/2018	Phone call from Mike 66-208-8209 said his cousin let people grow on the property. He was told if property is not cleared by Thursday 9/7/2018 a hearing notice will be posted.
PHONE CALL	MATT FUCHS	10/24/2018	10/24/2018	Phone message from attorney Berns about abatement. Called him back and told him there was a fly over on 10/19/2018 and the marijuana was still on the property. He said he will e-mail me with instructions about abatement after calling the grower.
RECEIVED COMPLAINT	DEBBIE LAUGENOUR	6/13/2018	6/13/2018	LARGE MARIJUANA GROW, NO PERMITTED HOME, GROWER RESIDENCE REQUIREMENTS NOT MET, AND NO PERMITTED WATER/SEWER
SCANNING	DEBBIE LAUGENOUR	6/13/2018	6/13/2018	SCANNED AND ATTACHED COMPLAINT
SCANNING	DEBBIE LAUGENOUR	11/29/2018	11/29/2018	SCANNED AND ATTACHED COST FOR DEMAND
SCANNING	WILLOW EMBERLAND	8/28/2018	8/28/2018	SCANNED RETURNED MAIL 72HR
SCANNING	WILLOW EMBERLAND	8/28/2018	8/28/2018	SCANNED RETURNED MAIL 72HR LE ANHTUAN
SCANNING	WILLOW EMBERLAND	9/14/2018	9/14/2018	SCANNED RETURNED MAIL 34(A) AND 34(C) ORDNANCE
SCANNING	WILLOW EMBERLAND	9/14/2018	9/14/2018	SCANNED RETURNED MAIL 34(A) AND 34(C) ORDNANCE ETAL
SCANNING	WILLOW EMBERLAND	9/18/2018	9/18/2018	SCANNED RETURNED MAIL 34(A) AND 34(C) ORDNANCE
SCANNING	WILLOW EMBERLAND	12/18/2018	12/18/2018	SCANNED AND ATTACHED HEARING OFFICER INVOICE
SCANNING	WILLOW EMBERLAND	4/2/2019	4/2/2019	SCANNED AND ATTACHED PROPOSED LIEN & SPECIAL ASSESSMENT
SCANNING	WILLOW EMBERLAND	4/16/2019	4/16/2019	SCANNED AND ATTACHED NOTICE OF LIEN
TRAVEL	MATT FUCHS	6/19/2018	6/19/2018	Travel time for attempted initial inspection.
TRAVEL	MATT FUCHS	7/31/2018	7/31/2018	Travel time for helicopter inspection.
TRAVEL	MATT FUCHS	8/16/2018	8/16/2018	Travel time for 72 hour posting.
TRAVEL	MATT FUCHS	9/7/2018	9/7/2018	Travel time to post hearing notice.
TRAVEL	MATT FUCHS	10/26/2018	10/26/2018	Travel time for failed compliance inspection.
TRAVEL	MATT FUCHS	11/1/2018	11/1/2018	Travel time for compliance inspection.



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CE18-0649

HELICOPTER INSPECTION	SDW	7/31/2018	7/31/2018	COMPLETED	Marijuana observed	Shawn Williams (NAV) AND Tim Torres (PICS). BCC 34A AND 34 C VIOLATIONS OBSERVED. PICS TAKEN.
HELICOPTER INSPECTION	TAT	7/31/2018	7/31/2018	COMPLETED	2nd Officer	Shawn Williams (NAV) AND Tim Torres (PICS). BCC 34A AND 34 C VIOLATIONS OBSERVED. PICS TAKEN.
HELICOPTER INSPECTION	SDW	10/19/2018	10/19/2018	COMPLETED	NAVIGATOR	NAVIGATOR - MMJ OBSERVED - PREPARING FOR TRANSPORT OF MMJ
HELICOPTER INSPECTION	TAT	10/19/2018	10/19/2018	COMPLETED	PHOTOGRAPHER	PHOTOGRAPHER
INITIAL SITE INSPECTION	MWF	6/19/2018	6/19/2018		Attempted contact	Initial site inspection with Tim Torres for officer safety. Located locked gate, no response to horn, left card on gate to parcel APN 071-270-028 which is owned by same owner Etal Le Anhuan and case number CE18-0566 which Tim Torres has the case. The road to APN of my case cuts into this property, where my card was hung. Will put on fly list if not contacted.
INITIAL SITE INSPECTION	TRW	6/29/2018	6/29/2018		2ND OFFICER	W/TT FOR OFFICER SAFETY.
INITIAL SITE INSPECTION	TAT	6/29/2018	6/29/2018		MMJ ABATED	W/TW- PROP ACCESS GATES OPEN UPON OUR ARRIVAL, AS PREVIOUSLY ARRANGED BY PROP TENANT MIKE NGYUN. MET NGYUN'S COUSIN (AMIA) ON PROP. CONDUCTED SITE INSPECTION WITH NGYUN'S PERMISSION. OBSERVED MMJ GROW AREA BUT ALL MMJ HAD BEEN ABATED. WILL MAKE INACTIVE
INITIAL SITE INSPECTION	TAT	6/19/2018	6/19/2018		2nd Officer	Initial site inspection with Matt Fuchs for officer safety.
LIEN HEARING POSTED	RJS	3/18/2019	3/18/2019			

ATTACHMENTS

APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH RD

DATE: 3/18/2019

CEO: RJS



BOARD OF SUPERVISORS

February 2019
25 COUNTY CENTER DRIVE, SUITE 300, SAN JOSE, CALIFORNIA 95128
Telephone: (408) 526-5000

March 18, 2019

Le Anthony Paul
0 Crystal Ranch Rd
Orville, CA 95966

Le Anthony Paul
1875 N. Canal Ave #109
San Jose, CA 95132

Samuel D. Berry, III
3701 Lakeside Blvd South
Redwood, CA 95455

John L.
0 Crystal Ranch Rd
Orville, CA 95966

Anthony Le
1875 N. Canal Ave #109
San Jose, CA 95132

NOTICE OF PROPOSED LIEU AND SPECIAL ASSESSMENT HEARING

To the Property Owners of: APN 071-270-029
0 Crystal Ranch Road, Orville, CA 95966
Case: CE18-0649

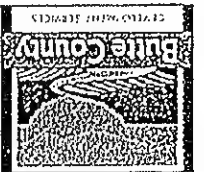
You are hereby notified that the Department of Development Services (DDS) pursuant to Santa Clara County Code Chapter 5-1A, has received an application under the authority of a 27-1/2% increase in the following parcel, APN 071-270-029, 0 Crystal Ranch Road, Orville, CA 95966. Case: CE18-0649, and proposes to increase the 27-1/2% from 27.125% to 27.375% and to change the use from Residential Single-Family to Residential Medium-Density. The amount of the proposed fee and special assessment is \$72,078.27. Special assessment is the Department of Development Services' standard fee for administrative costs to share the public expenses on the above property.

You are also hereby notified that the Board of Supervisors will hear and consider objections and appeals to the proposed item and special assessment fee at 10:30 a.m. on 3/18/2019, in the Board of Supervisors' Chambers, 25 County Center Drive, Suite 300, San Jose, CA 95128. If the Board of Supervisors determines that the proposed fee and special assessment is not in the public interest, the item will be referred to the County Assessor and will be placed on the County Assessor's list.

Shawn McCandless
Clerk of the Board

ATTEST:

Jennifer Wakefield, Secretary
Planning Commission
County of Butte, State of California



Butte County Department of Development Services
TIM SNEELINGS, DIRECTOR | PETE CALARCO, ASSISTANT DIRECTOR
7 County Center Drive Oroville, CA 95965 530.538.7601 Telephone 530.538.7785
Facsimile www.buttecounty.net/ids

FORM NO
DCE-2

RESTRICTIONS ON CANNABIS CULTIVATION COMPLAINT FORM

CASE# 18-0649

Date: 6/13/18

Property Owner: Le, Ankur et al Parcel: 071-270-029

Alleged Violation Address: City State Park Road
City: Farmers Falls

Complaint Types: Check violation(s) that apply AND include written remarks below.

- ☒ Cultivation Area Violation (over max sq. ft/ratio) (Medical Cannabis Cultivation)
- ☒ Cultivation of more than six plants per parcel (Non-Medical Cannabis Cultivation)
- ☒ Parcel does not have a legal residence
- ☐ Outdoor grow on a parcel 0.5 acre or less (Medical Cannabis)
- ☐ Outdoor grow on parcel 5.0 acres or less (Non-Medical Cannabis Cultivation)
- ☐ Setback violation (please specify below in detail)
- ☐ Cannabis plants are in public view
- ☐ Fencing (no fence on parcel less than 5 acres, unapproved materials, plants are taller than fence, unsecure access, etc.)
- ☐ Building violations (no permit, unpermitted electrical, no ventilation, etc.)
- ☐ Does not meet Recommendation Requirements (Medical Cannabis)
- ☒ Grower residency requirements
- ☒ No permitted permanent water supply or no municipal sewer system/permited sewage disposal system No will permit any type
- ☐ Illegal use, disposal and/or storage of chemicals
- ☐ Other: _____

* For environmental complaints contact Environmental Health at 530.538.7281 or
202 Mira Loma Dr, Oroville, CA 95965

Please describe the violation(s) in the space provided below:

F19-077



Mid Valley Title & Escrow Company
601 Main Street
Chico, CA 95928
Phone: (530)893-5644 / Fax: (866)739-4927

Ofc: 0401 (1222)

PR: 06243

Invoice

To: Butte County Code Enforcement
7 County Center Drive
Oroville, CA 95965

Attention: Your Ref: Brad Stephens
Property: Crystal Ranch Road, Feather Falls, CA

Buyers: Sellers: Anhuan Le

Invoice No.: 1222-4017804
Date: 09/11/2018
Our File No.: 0401-5783716
Title Officer: Roger Button
Escrow Officer:
Customer ID: RSK5324

Liability Amounts

Comments:

Thank you for your business!

To assure proper credit, please send a copy of this Invoice and Payment to:
Attention: Accounts Receivable Department

Description of Charge	
CLTA Lot Book Guarantee	
Invoice Amount	\$50.00

4404000; 539020; 0133
4401
INVOICE TOTAL \$50.00



Department of Development Services

Tim Snellings, Director

Pete Calarco, Assistant Director

7 County Center Drive
Oroville, California 95965
T: 530.552.3702 F: 530.538.7785
buttecounty.net/dds

December 21, 2018

LE ANHTUAN ETAL
0 CRYSTAL RANCH RD
FEATHER FALLS, CA 95966
JOHN LE
0 CRYSTAL RANCH RD
FEATHER FALLS, CA 95966

JOHN LE
1874 N CAPITOL AVE #109
SAN JOSE, CA 95132
JOHN LE
1874 N CAPITOL AVE #109
SAN JOSE, CA 95132

Samuel D. Berns, Esq.
5701 LoneTree Blvd.
Suite 123
Rocklin, CA 95765

DEMAND FOR PAYMENT OF NUISANCE ABATEMENT COST AND PENALTIES

To the Property Owners of 0 CRYSTAL RANCH RD, FEATHER FALLS, CA, APN 071-270-029:

You are hereby notified that the County of Butte, pursuant to Butte County Code Chapters 34A and 34C, has incurred costs associated with a public nuisance on property located at 0 CRYSTAL RANCH RD, CA, APN 071-270-029, CE18-0649, and hereby demands payment of its Abatement costs, Administrative costs and Administrative Penalties.

The public nuisance on the above property consisted of violations within Butte County Code Chapters 34A Restriction of Cultivation of Medical Marijuana & 34C Restriction of Cultivation of Non-Medical Marijuana specifically: 34A-4(b)(2) Cultivation area is greater than allowed and 34A-3(n) Parcel does not have a legal residence, no cultivation can take place on the parcel, 34C-4(a)(2) Cultivation may only take place indoors on parcels less than 5 acres and 34C-3(m) Parcel does not have a legal residence, no cultivation may take place on the parcel. As a result, and pursuant to Butte County Code Chapter 34A & 34C, you are responsible for paying the sum of \$72,078.27 to the County of Butte pursuant to the Hearing Officer's decision dated November 14, 2018.

A breakdown of the costs incurred are as follows:

Administrative Penalties	\$	66,000.00
Staff Costs	\$	4,281.25
Hearing Officer	\$	1,576.00
Aerial Inspections	\$	115.86
Recording & Title Fees	\$	89.00
Postage	\$	16.16
Total Due:	\$	72,078.27

Fuchs, Matt

From: sam@bernslegal.com
Sent: Thursday, October 25, 2018 8:51 AM
To: Fuchs, Matt
Subject: Re: Ce 18.649

Yes gate will be open, sorry for confusion I thought I replied yesterday

Sent from my iPhone

On Oct 25, 2018, at 8:48 AM, Fuchs, Matt <MFuchs@buttecounty.net> wrote:

I can do the Crystal Ranch Rd abatement inspection today... If that ok.

Matt Fuchs, Code Enforcement Officer
Department of Development Services
7 County Center Drive, Oroville, CA 95965
Cell: 530.693.7631 (Direct)
Office: 530.552.3702 Fax: 530.538.7785

From: Sam Berns <sam@bernslegal.com>
Sent: Wednesday, October 24, 2018 12:54 PM
To: Fuchs, Matt <MFuchs@buttecounty.net>
Subject: Re: Ce 18.649

I have confirmed with client that gate will be open and properly available for inspection tomorrow afternoon. Please confirm receipt. Thanks.

On Mon, Oct 22, 2018 at 3:34 PM <sam@bernslegal.com> wrote:

Hi Matt

This is another property I represent, I received photo confirmation of compliance as of Friday oct 19. Please let me know if you would like to set a compliance check. Apologies for a bit of incomplete email, I'm out of the office today but wanted to get something to you. Feel free to email or call 916.226.1477 for more details. Thanks

Samuel D Berns
Attorney at law

Sent from my iPhone

Samuel D. Berns
Attorney At Law
Law Office of Samuel D. Berns, Inc.
5701 Lometree Boulevard, Ste. 123
Rocklin, CA 95765
916.226.1477

Butte County Department of Development Services

Nuisance Abatement Hearing

Re: APN 071-270-029

Street Address: 0 Crystal Ranch Road, Feather Falls, CA

Hearing Date: Thursday, November 1, 2018

I. Summary of Decision

- The cultivation of medical marijuana on the subject property violates Chapter 34A-4(b)(3) of the Butte County Code and constitutes a public nuisance;
- The fact of property ownership was established by the County;
- The above conditions creating a public nuisance shall be abated by the property owner within a reasonable time, not to exceed 10 days from the date of mailing of this decision pursuant to Chapter 34A-13(g)(1); and
- Should the property owner be unwilling or unable to take steps to abate the conditions creating the nuisance on the subject property by the 10-day deadline, noted above, and Butte County deems it necessary to take steps to abate the nuisance, the County may recover the costs of abatement, administrative costs incurred regarding this hearing, as well as any Administrative penalties, as set forth herein, pursuant to Chapter 34A-13(g)(1) & 34A-16(b).

II. Appearances & Conduct of Hearing

The Nuisance Abatement Hearing in the above-referenced matter was held on November 1, 2018 at 7 County Center Drive, Oroville, California 95965. Appearances were as follows:

- Jackson Glick, Esq. - Hearing Officer
- Roger S. Wilson, Esq. - Deputy Butte County Counsel
- Matthew Fuchs - Butte County Code Enforcement Officer
- Shawn Williams - Butte County Code Enforcement Officer
- Samuel D. Berns, Esq. - Counsel for Anhuan and John Le, Owners

Mr. Wilson proceeded with the county's presentation of evidence beginning with sworn testimony from Mr. Fuchs, who was followed by Mr. Williams with questions transitioning between those two witnesses as the county presented evidence in chronological order. The hearing officer had a few brief questions/clarifications for the witnesses, then the county closed their presentation of evidence. Mr. Berns had a brief cross-examination of each witness, and

then presented his case which included some sworn testimony by Mr. Berns and offered some photographs and a declaration by Anhuan Le as evidence. Mr. Wilson offered a closing summary of the evidence the County presented and Mr. Berns closed with rebuttal argument. The hearing lasted about 120 minutes and was tape-recorded.

III. Findings of Fact

1. Property Ownership & Notice.

The property in question is located at 0 Crystal Ranch Rd., Feather Falls, CA (hereinafter referenced as "the property"). The property is in the unincorporated area of Butte County. The APN is 071-270-029. The size of the parcel is 4.85 acres. The owners of record are Anhuan and John Le, as joint tenants (Ex. "A"). Mr. Fuchs offered testimony that established proper service of the 72-hour Notice to Abate as well as the Notice of Nuisance Abatement Hearing pursuant to Chapter 35A-13 (a) & (b). Ownership of the property, adequacy of notice both as to the 72-hour Notice to Abate, as well as the Notice of Nuisance Abatement Hearing, were not challenged by Mr. Berns. Accordingly, these issues are deemed established by Butte County and do not warrant further discussion.

2. Investigation.

Mr. Fuchs was sworn as a witness and began by testifying as to his knowledge and experience in identifying the cultivation of marijuana. Though Mr. Fuchs has only been working for code enforcement since May of 2018, he has significant experience in law enforcement through his 15 years as a probation officer and 5-6 years as a narcotics task force member. Mr. Fuchs testified that he has received significant prior training in the identification of marijuana (approximately 50 hours) in addition to the training he received upon joining code enforcement in his current role. Mr. Berns raised questions during cross examination as to both Mr. Fuchs' and Mr. Williams' ability to identify different strands of marijuana and the county submitted a separate brief on this issue to which Mr. Berns did not respond. Mr. Wilson's Brief on this issue was sufficient to establish that the county is not required to identify which strain of marijuana is present as part of their investigation. Therefore Mr. Fuchs' qualifications to identify marijuana plants as that term is defined in Section 11018 of the California Health and Safety Code and cultivation of the same was therefore established.

After the testimony regarding his qualifications, Mr. Fuchs proceeded with a chronology of investigation of the property. On or about June 13, 2018 code enforcement received an anonymous in-person complaint at the county kiosk about a large marijuana grow on the property that exceeded standards (Ex. C). Using the assessor records, Mr. Fuchs determined the owner, location, and characteristics of the Property (Ex. B). Based on his review of the property's characteristics, Mr. Fuchs determined that no marijuana could be grown on the property as it did not have a legal residence and so scheduled a site inspection for June 19, 2018.

At the initial inspection, Mr. Fuchs encountered a locked gate and left his card at the property taped to the gate. Mr. Fuchs was then contacted by the property owner who scheduled

a compliance inspection for June 29, 2018. At the compliance inspection Mr. Fuchs determined there was no marijuana on the property and the owners were thus in compliance.

Mr. Fuchs further testified that subsequent to determining that the property was in compliance, a helicopter inspection of a nearby property on July 31, 2018 revealed that marijuana had been moved back onto the property and it was again out of compliance. Mr. Williams was called to testify as to the July 31st aerial inspection and began with describing his qualifications in identifying marijuana cultivation from the air. Mr. Williams testified as to his 20 years of experience as a police officer which included a one-week training on identifying the cultivation of marijuana from the air. When cross examined by Mr. Berns, Mr. Williams demonstrated his knowledge of the various strands of marijuana. Since Mr. Williams has been with Code Enforcement, he has conducted between 250 to 300 inspections. Mr. Williams' qualification and experience in the identification of marijuana cultivation from the air was therefore established.

The county submitted photographs of the July 31 inspection and Mr. Williams testified using the photos to demonstrate what he observed. The photographs depict two grow areas and were taken at 1000 feet elevation. Mr. Williams testified that he could identify the plants as marijuana based on their leaf shape, color, as well as the cultivation methods including smart pots and wire supports. He estimated that the two grow areas constituted about 7200 square feet and about 225 plants. Mr. Fuchs concurred with this assessment. After the July 31 inspection revealed that marijuana cultivation had continued on the property, Mr. Fuchs reopened his investigation and based on the photographs, issued a 72-hour notice on August 16, 2018 which was both mailed and posted (Ex. F). The county received a phone call in response to the 72-hour notice from Mike Nguyen who indicated that the marijuana would be removed. After several unsuccessful attempts to follow up with Mr. Nguyen on scheduling a compliance inspection, Mr. Fuchs elected to proceed with serving a notice of hearing on September 7, 2018 (Ex. G).

Mr. Fuchs testified that he did not receive a response to the Notice of hearing and therefore he scheduled the property for another aerial inspection on October 19, 2018. Mr. Williams was recalled to testify as to the October 19th inspection. The county offered photographs taken during the aerial inspection (Ex. H). The photographs depicted the marijuana grow being removed with the plants being packed into boxes. Mr. Williams testified that the remaining plants that were not yet removed were marijuana, so as of October 19th the property remained out of compliance.

Mr. Fuchs was then recalled to testify as to contact he received from Mr. Berns on October 19th to schedule a site inspection for October 26th. The county offered photographs of the October 26 site inspection (Ex. I) and Mr. Fuchs testified as to what he saw. The photographs depicted most of the plants had been substantially removed in the sense that the buds had been harvested and for some plants only a stalk remained. However, the photos did depict at least one complete plant that appeared to be too small to be worth the trouble to harvest. Thus, as of October 26, 2018 the property remained out of compliance. Mr. Fuchs testified that he emailed Mr. Berns notifying him that the property was still not in compliance.

///

3. Administrative Costs & Penalties.

Mr. Wilson submitted a summary of Administrative and Abatement Costs regarding the nuisance on the property. (Ex. J) Administrative costs are requested as per BCC 34A-13(e) and 34C-12(e), although no amount is detailed in this regard.

The County also sought a total of past and future administrative penalties pursuant to Chapter 34A-16(b) and 34C-16(b). These totaled \$11,000 from the date of posting of the 72-Hour Abatement Notice to the posting of Nuisance Abatement Hearing and \$55,000 from the date of posting of the Notice of Nuisance Abatement Hearing until the hearing itself.

4. Cross-Examination of County Witnesses.

Mr. Berns cross examined Mr. Williams concerning the training he received and other specifics related to the investigation such as determining the correct property from the air, altitude of the inspection and landmarks used. Mr. Berns also asked Mr. Williams several questions related to the different strains of cannabis. Mr. Williams responses to Mr. Berns questions only served to bolster confidence in Mr. Williams ability to identify marijuana cultivation.

Mr. Berns also asked Mr. Fuchs questions concerning his role in the investigation. The questions asked of Mr. Fuchs clarified details of the investigation and did not impeach any of Mr. Fuchs' testimony.

5. Respondent's Evidence.

Mr. Berns offered three exhibits into evidence: (1) a declaration signed by Respondent Anh Tuan Le, (2) photographs taken on October 19th of the cultivation area of the property, and (3) photographs taken of the cultivation area on October 29, 2018 showing further harvesting of the plants. Mr. Berns also offered sworn testimony that he did receive these photographs from his client and that he forwarded them to the county. The photographic evidence was offered to show compliance but is problematic in that it (a) does not depict the entire cultivation area, and (b) has no testimony to lay an adequate foundation that the photographs are authentic other than Mr. Berns verifying the source. As such, this evidence is not sufficient to establish compliance even assuming the photos did depict a cultivation area with the plants completely removed, which they did not.

6. Condition of the Property.

Taken together, testimony from Mr. Fuchs and Mr. Williams is sufficient to establish the fact that marijuana is being cultivated on the property. Mr. Fuchs' and Mr. Williams' qualifications in the identification of marijuana cultivation were quite sufficient and their general knowledge was on display throughout the questioning. Additionally, to corroborate that testimony, the county offered photographs that clearly depict marijuana, particularly those taken during the October 26th compliance inspection which was very close in time to the November 1 hearing. Chapter 34A of the Butte County Code governs cultivation of medical marijuana in Butte County. Chapter 34A and 34C of the Butte County Code governs cultivation of marijuana

(medical and recreational respectively) in Butte County. Section 34A-3(n) and 34C-3(m) defines the "premises" upon which marijuana may be cultivated, as follows:

"Premises" means a single, legal parcel of property that includes an occupied residence that is a dwelling in compliance with Chapter 26 of the Butte County Code and has also met the requirements of Section 34A-6 and 34A-7."

In the hearing officer's opinion, the cultivation of any marijuana on the subject property violates the provisions of the above-referenced code section. No evidence was presented at the hearing that there is any legal or permitted residence on the property in question. Rather, the opposite is true; e.g., that Mr. Fuch's search of the Butte County Building File database failed to reveal that any permits existed for the property and the aerial inspection identified no such residence.

7. Respondent's Argument

Respondent's attorney offered no evidence to rebut the evidence put on by the county demonstrating that there was in fact marijuana being cultivated on the property in excess of the allowable area and number of plants under the code. Rather Respondent's evidence focused on the date of compliance. As previously stated, that evidence was insufficient. In addition to the Respondent's evidence, Respondent offered a written brief outlining five additional arguments which will be briefly addressed.

a. There can be only one violation. This is not an issue in this case; the county does not duplicate violations between the medical marijuana ordinance and the recreational marijuana ordinance.

b. Notice was not proper as the notice only contained one page. This very well could have been an issue had the Respondent submitted sufficient evidence to rebut the testimony submitted by the county. Instead, Respondent only offered a declaration stating that Respondent only got one page. This is not enough to impeach the proof of service attached to the notice as well as the sworn testimony of Mr. Fuchs stating that he served the full notice.

c. Five-day grace period per CCP §1013(a). This argument relies on the California Code of Civil Procedure which is relevant only to civil actions. This is a County administrative action and so notice provisions are covered by the underlying ordinance and not the Code of Civil Procedure. As such, this argument is without merit.

d. Property owner cannot be held liable for the acts of a tenant. Respondent rightly concedes that the 72-hour notice was sufficient to require him to use reasonable care to abate the nuisance. Respondent's argument seems to be that upon receiving the photos from the tenant showing some plants had been removed from the property, he has no further responsibility as a landlord. This position does not hold water as the photographs presented are of too poor of quality and of too small of an area to be considered a reasonable attempt to clear the nuisance from the property. This is especially true considering that in some of the photos there appears to be a few plants still present. If anything, these photos should raise concern that the

property was not completely cleared.

- e. Invalid Search per Cal. Penal Code §1538.5: Respondent does not provide any actual legal argument for this position, only a legal conclusion that there was an unlawful search. Without legal argument based on facts that were presented at the hearing this argument it fails.

IV. Decision

Based on the foregoing facts, it is my opinion that Butte County has met its burden of proof in demonstrating that the cultivation of marijuana on the subject property violates the Chapter 34A-3(n) and 34C-3(m) of the Butte County Code and hence constitutes a public nuisance. This conclusion is based on the following facts:

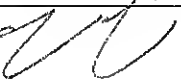
- a. There is no legal residence situated on the property, which is a precondition to the cultivation of medical marijuana pursuant to Chapter 34A-3(n) and 34C-3(m);

The evidence submitted at the hearing by Respondent was not sufficient to establish that the nuisance has been completely abated as the photographs did not depict the entire grow area and no testimony was offered by the Respondent. Since a public nuisance continues to exist on the subject property, steps need to be taken to address the conditions creating the nuisance by the property owner. Abatement of the conditions creating the nuisance shall be accomplished in a reasonable time, not to exceed ten (10) days from the date of this decision. Chapter 34A-13(g)(1) and 34C-13(g)(1).

Should the property owners be unwilling or unable to take steps to abate the conditions creating the nuisance on the subject property, then Butte County may take such steps as it deems necessary to abate the nuisance. As the prevailing party in this administrative action, the County may also recover its costs reasonably incurred in bringing this matter to administrative hearing, including administrative costs, costs of abatement, as well as administrative penalties as set forth in Exhibit "J".

In addition, as no evidence was presented at the hearing to the effect that steps had been undertaken by the property owner to abate the nuisance, the administrative penalty shall continue to accrue at the rate of \$1,000/day post-hearing until the nuisance is abated, pursuant to Chapter 34A-16(b) and 34C-16(b).

DATED: November 14, 2018


JACKSON GLICK
Hearing Officer

PROOF OF SERVICE

I am employed in the County of Butte, State of California. I am over the age of eighteen years and not a party to the within above-entitled action; my business address is: P.O. Box 908, Gridley, CA 95948.

On NOVEMBER 14, 2018, I served the following documents:

Nuisance Abatement Hearing Statement of Decision

in the following manner:

 X (BY MAIL) By placing a true copy thereof enclosed in a sealed envelope, postage prepaid, with the U. S. Postal Service at Gridley, California 95948, addressed as follows:

<p>ANH Tuan LE 1874 N. CAPITAL AVE., #109 SAN JOSE, CA 95132 Return Receipt No. 7015 0640 0007 3370 0454</p>	<p>ANH Tuan LE 0 CRYSTAL RANCH ROAD FEATHER FALLS, CA 95940 Return Receipt No. 7015 0640 0007 3370 0430</p>
<p>JOHN LE 1874 N. CAPITAL AVE., #109 SAN JOSE, CA 95132 Return Receipt No. 7015 0640 0007 3370 0478</p>	<p>JOHN LE 0 CRYSTAL RANCH ROAD FEATHER FALLS, CA 95940 Return Receipt No. 7015 0640 0007 3370 0461</p>

I, SANDEE ONYETT, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on NOVEMBER 14, 2018, at Gridley, California.

Sande Onyett
--SANDEE ONYETT

Sac Valley Law

A Professional Corporation

P. O. Box 908
Gridley, CA 95948
(530)846-5691

December 17, 2018
Invoice # 42818

Butte County Administration
25 County Center Drive, Suite 200
Oroville, CA 95965

In Reference To: Le CE18-0649

Amount	Hours	
504.00	2.80	Travel to and appear at hearing.
396.00	2.20	Prepare Statement of Decision.
324.00	1.80	Finish admin law decision.
216.00	1.20	Review and revise statement of decision; confer with
85.00	1.00	Jackson Click regarding legal issues presented therein.
34.00	0.40	Attention to Statement of Decision changes and printing for
		JG signature. Preparation of POS and serving document.
		Attention to file; prepared proof of service for Berns for SO
		signature.
17.00	0.20	Attention to proof of service of attorney Berns, mailed to
		county.
9.60		For professional services rendered
<u>\$1,576.00</u>		

Balance due \$1,576.00

Please make checks payable to Harris, Hamman & Click
WE ACCEPT VISA, MASTERCARD, DISCOVER, AMERICAN EXPRESS AND UNION PAY
PAYMENTS MADE AFTER THE ABOVE DATE WILL APPEAR ON NEXT MONTH'S STATEMENT
*****THANK YOU*****

Law Office of
SAMUEL D. BERNs, Inc.

5701 LoneTree Blvd., Ste. 123
Rocklin, CA 95765
916.226.1477
530.212.0468
530.455.5567 (Fax)
Email: sam@bernlegal.com
http:www.bernlegal.com

October 3, 2018

Butte County Code Enforcement
Att: Debbie Laugenour
7 County Center Drive
Oroville, CA 95965

Dear Ms. Laugenour:

I am writing to inform you that I have been retained by the property owners of Butte County APN 071-270-029, related to a cannabis abatement action on the property. Please keep me informed of all progress on the case, hearing dates, and the like. Thank you for your attention to this matter.

Sincerely,

Samuel D. Berns

Samuel D. Berns
Attorney at Law

TIM SNELLINGS, DIRECTOR
PETE CALARCO, ASSISTANT DIRECTOR

7 County Center Drive
Oroville, California 95965
T: 530.552.3702
T: 530.538.7785
buttecounty.net/dd



CASE #: CE18-0649

Owner Name: LE ANHTUAN ETAL

NOTICE OF NUISANCE ABATEMENT HEARING

The owner(s) and occupant(s) of real property described on the latest equalized Butte County tax roll as A.P.N. 071-270-029, and having a street address of , CA is (are) hereby notified to appear before a Hearing Officer of the County of Butte at One Court Street Oroville, CA 95965 on Thursday, November 1, 2018, at the hour of 9 o'clock a.m., to show cause, if any there be, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Butte County Code Chapter 34A and/or Butte County Code Chapter 34C. The Department of Development Services has determined that conditions exist on the above property which constitute a public nuisance and violate Butte County Code section(s) BCC 34A-4 Cultivation Area is greater than authorized, BCC 34C-4 Number of plants being cultivated is greater than authorized, BCC 34A-3(n) BCC 34A-4(a); BCC 34C-3(m) Parcel does not have a legal residence. After hearing, if a violation is found to have existed at the time the Notice of Nuisance Abatement Hearing was posted on the property, the Administrative Costs incurred in prosecuting the violation, including, but not limited to, the cost of the Hearing Officer, the cost of prior time and expenses associated with bringing the matter to hearing, attorneys' fees, the cost associated with any appeals from the decision of the Hearing Officer, the cost of judicially abating the violation, the cost of labor and material necessary to physically abate the violation, the cost of securing expert and other witnesses, and the accrual of any Administrative Penalties, may become a lien against the subject property and may also be assessed against the property in the same manner as taxes. If a lien is recorded, it will have the same force and effect as an abstract of judgment which is recorded as a money judgment obtained in a court of law. If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

In preparing for such hearing, you should be aware that if an initial showing is made by the County, sufficient to persuade the Hearing Officer that a public nuisance existed on your property at the time the Notice of Nuisance Abatement Hearing was posted, you will then have the burden of proving that no public nuisance existed on your property. Therefore, you should be prepared to introduce oral and documentary evidence proving why, in your opinion, your use of the property is not a public nuisance as defined in this Chapter. A copy of the Butte County Code Chapter 34A and 34C relating to Medical and Non-Medical Marijuana Cultivation and nuisance abatement hearings is enclosed to assist you in the preparation of your presentation. If an initial showing sufficient to persuade the Hearing Officer that a public nuisance existed on your property is made by the Code Enforcement Officer, your failure to sustain the burden of showing that no public nuisance existed on the property may result in a decision by the Hearing Officer that a public nuisance did exist, and that the County is entitled to recover its Administrative Costs, and all Administrative Penalties that accrued up to the time that the nuisance was abated. Further, if the Hearing Officer finds that a public nuisance continues to exist on your property, and you fail to abate the nuisance promptly, the County may abate the nuisance. If the County abates the nuisance, in addition to being able to recover its Administrative Costs and Penalties, you may be responsible for the actual costs of the abatement. In either circumstance, all Administrative Costs, Abatement Costs, and Administrative Penalties may be specially assessed against your parcel by the Auditor-Controller's Office and added to the your tax bill as a special assessment. Such special assessments have the

same priority, for collection purposes, as other county taxes and, if not paid, may result in a forced sale of your property. You are also hereby notified that the County will seek recovery of attorneys' fees incurred in any hearing and that attorneys' fees may be recovered by the prevailing party. Finally, if the Hearing Officer finds that a public nuisance exists on your property, a violation of the Butte County Code Chapter 34A, the County will contend that you are bound by such finding at any subsequent judicial action to enforce the Hearing Officer's order.

IMPORTANT: READ THIS NOTICE CAREFULLY. IN ADDITION TO ANY ADMINISTRATIVE CIVIL PENALTIES THAT HAVE ALREADY ACCRUED, AN ADMINISTRATIVE CIVIL PENALTY OF \$1,000 PER DAY IS HEREBY IMPOSED FROM THE DATE THIS NOTICE WAS POSTED ON YOUR PROPERTY, AND WILL CONTINUE TO ACCRUE AT THAT RATE UNTIL THE NUISANCE IS ABATED. IN ORDER TO PREVENT THE ACCRUAL OF ONGOING PENALTIES AND COSTS, YOU MUST CONTACT THE CODE ENFORCEMENT OFFICE, AND ARRANGE A TIME FOR A CODE ENFORCEMENT OFFICER TO INSPECT YOUR PROPERTY, AND CONFIRM THAT THE VIOLATION(S) HAVE BEEN CORRECTED. FAILURE TO APPEAR AND RESPOND AT THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF OR CONDITIONS ON YOUR PROPERTY WHICH THE DIRECTOR OF DEVELOPMENT SERVICES CONTENDS ARE IN VIOLATION OF THE BUTTE COUNTY CODE.

Please contact MATT FUCHS, Nuisance Abatement Code Enforcement Officer, at 530.552.3702 or 530.693.7631 if you have any questions regarding your nuisance abatement case or this hearing notice.

Dated: September 7, 2018 BUTTE COUNTY DIRECTOR OF DEVELOPMENT SERVICES

By: _____

Enclosure: Butte County Code Chapter 34A and 34C

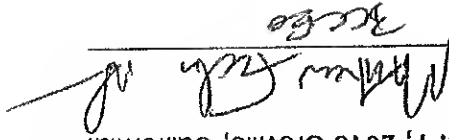
PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the County of Butte. I am, and was at the time of the service hereinafter mentioned, over the age of eighteen years and not a party to the within action. My business address is Department of Development Services, Building Division. 7 County Center Drive, Oroville, California 95965. I am readily familiar with the County's practice for collection and processing of correspondence/documents for mailing with the United States Postal Service and that said correspondence/documents are deposited with the United States Postal Service in the ordinary course of business on the same day.

On September 7, 2018 I served the foregoing **HEARING NOTICE** on the person(s) named below by placing a true copy thereof in a sealed envelope, with first class postage thereon fully paid, addressed as indicated below, and by placing said envelope in the appropriate place within the Department of Development Services where mail is collected for mailing with the United States Postal Services on the same day.

LE ANHTUAN ETAL	LE ANHTUAN ETAL	1874 N CAPITOL AVE #109	SAN JOSE, CA 95132	FEATHER FALLS, CA 95940
0 CRYSTAL RANCH	0 CRYSTAL RANCH	1874 N CAPITOL AVE #109	SAN JOSE, CA 95132	FEATHER FALLS, CA 95940
LE JOHN ETAL	LE JOHN ETAL	1874 N CAPITOL AVE #109	SAN JOSE, CA 95132	FEATHER FALLS, CA 95940

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on September 7, 2018 Oroville, California.


Matthew John

Case #: CE18-0649

County of Butte
CODE ENFORCEMENT DIVISION
7 County Center Drive
Oroville, CA, 95965

RETURN SERVICE REQUESTED

LE ANHTUAN ETAL
0 CRYSTAL RANCH RD
FEATHER FALLS CA 95940

CE-0849
MC

County of Butte
CODE ENFORCEMENT DIVISION
7 County Center Drive
Oroville, CA, 95965
RETURN SERVICE REQUESTED

LE ANHTUAN ETAL
1874 N CAPITOL AVE #109
SAN JOSE, CA 95132

LE 18-0049 02

County of Butte
CODE ENFORCEMENT DIVISION
7 County Center Drive
Oroville, CA. 95965
RETURN SERVICE REQUESTED

LE JOHN ETAL
O CRYSTAL RANCH RD
FEATHER FALLS CA, 95940

DE 18-0649 NE

CE 18-0649 W2

LE JOHN ETAL
O CRYSTAL RANCH RD
FEATHER FALLS CA 95940

County of Butte
CODE ENFORCEMENT DIVISION
7 County Center Drive
Oroville, CA. 95965
RETURN SERVICE REQUESTED

BILL CONNELLY
First District
DEBRA LUCERO
Second District
TAMI RITTER
Third District
STEVE LAMBERT
Fourth District
DOUG TEETER
Fifth District

Board of Supervisors

Minute Order No.: 040919 – 5.03.h.



Meeting Date:

April 9, 2019

Item Subject:

Code Enforcement Case No. CE18-0649; 0 Crystal Ranch Road, Feather Falls; APN 071-270-029 - On November 1, 2018, a Hearing Officer declared a public nuisance existed on the property listed. This hearing has been scheduled to authorize the Board of Supervisors to record a special assessment and lien to recover the County's costs and penalties for Code Enforcement Case No. CE18-0649 for the property located at 0 Crystal Ranch Road in Feather Falls (Assessor's Parcel Number 071-270-029) as a special assessment of \$6,078.27 (costs) and proposed lien of \$66,000 (penalties).

Board Action:

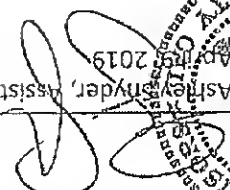

Approved the proposed lien of \$66,000 and a special assessment of \$6,078.27.

Vote:

Ayes: Supervisors Connelly, Teeter, and Chair Lambert
 Noes: Supervisors Lucero and Ritter
 Absent: None
 Not Voting: None

Certification:

I hereby certify that the above action was taken by the Butte County Board of Supervisors on the date listed above.


 Assistant Clerk of the Board
 April 9, 2019


Recording Requested By
When recorded, return to:
Butte County Counsel
25 County Center Drive
Suite 210
Oroville, CA 95965
(530) 552-4070

BUTTE
COUNTY
APR 16 2019
DEVELOPMENT
SERVICES

Department of Development Services
7 County Center Drive
Oroville, CA 95965

NOTICE OF LIEN FOR
ABATEMENT OF PUBLIC NUISANCE

LIEN NO:

TO: Anh Tuan Le
John Le
0 Crystal Ranch Road
Feather Falls, CA 95966
Anh Tuan Le
John Le
1874 N. Capitol Avenue #109
San Jose, CA 95132

NOTICE IS HEREBY GIVEN that the County of Butte, pursuant to Butte County Code Chapters 34A and/or 34C, has incurred costs associated with the abatement of a public nuisance on the following property and hereby claims a lien for the abatement and administrative costs incurred from the abatement of the public nuisance on said property located at 0 Crystal Ranch Road, Feather Falls, CA 95966, APN 071-270-029.

The following information is provided in accordance with Butte County Code Section 34A-13(i) and/or 34C-13(i):

- Record owner or possessor: Anh Tuan Le and John Le.
- Last known address of record owner or possessor: 1874 N. Capitol Avenue #109, San Jose, CA 95132.
- Description of real property subject to lien: Assessor Parcel Number: 071-270-029 located at 0 Crystal Ranch Road, Feather Falls, CA 95966.
- Date upon which the decision of the Hearing Officer was issued: 11/14/18.

Department of Development
Butte County
 200 County Center Drive
 Oroville, California 95965
 T: 530.552.3711
 F: 530.530.7782
 PETER CALABRO, ASSISTANT DIRECTOR

RESTRICTIONS ON CANNABIS CULTIVATION
72-HOUR NOTICE TO ABATE ORDINANCE VIOLATION

Case # CE18-0649

Date Issued & Posted 8/16/18

Violation Address 0 Crystal Ranch Rd City Oroville

Parcel # 071-270-029 Owner LE Anthony & Cheryl

Tenant CHL

You are hereby on notice, pursuant to Butte County Code Chapter 34A and/or Chapter 34C, you are maintaining a public nuisance on the above-referenced property by:

☒ Your use of space is greater than authorized size - BCC 34A.4.4
☒ Number of plants is greater than authorized - BCC 3
☒ Indoor grow required by parcel size - BCC 34A.4(B)(1)
☒ BCC 34C.4(C)(2)
☒ All do not have a legal residence - BCC 34C.4(A)
☒ BCC 34A.4(A)(1) BCC 34C.4(A)(1)
☒ Subdivided lot from parcel line and/or residence - BCC 34A.4.8
☒ BCC 34C

☐ Subdivided lot from a youth-oriented facility, school, park, church, residential treatment facility, school bus stop, or an other, hazardous structure - BCC 34A.4(B)(1)(C)(1) BCC 34C.4(B)(1)(C)(1)
☐ Marijuana plants in public view - BCC 34A.4(B)(1)
☐ BCC 34C.4(C)(3)
☐ Prohibited from building, reconstruction, or use of a building, fence, structure or access - BCC 34A.4(C) BCC 34C.4(C)
☐ Indoor grow building violations (no permit, residential grow, no ventilation, etc.) - BCC 34A.4(C)(1)

You are also on notice that an Administrative Penalty of \$500 per day will be assessed for each day that the nuisance exists, the first 72 hours that you are in violation. If the violation is not corrected within 72 hours, the penalty will increase to \$1000 per day for each day you are in violation and this matter will be set for a Nuisance Abatement Hearing. It is your obligation to contact the Code Enforcement Officer to arrange a time for a Code Enforcement Officer to inspect your property and demonstrate that all violations have been corrected. If you fail to do so and a Nuisance Abatement Hearing is scheduled, you will be required to pay costs and penalties which are not paid until you appear on your property.

☒ Butte County Code Enforcement Officer
 530.552.6000 Main Office
 My signature above addresses case per 72-hour notice to abate
8/16/18 - 11:31

☒ Owner/tenant/Cultivator
 My signature above denotes
 file 2-Hour Notice to Abate

FORM NO. DCE-04

APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH RD

DATE: 8/16/18

CEO: MF



APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH ROAD
DEMAND LETTER POSTING

DATE: 12/27/18

CEO: MF

7 County Center Dr.
Oroville, California 95966

14 ANTIQUARIAN ETAL
2000 RIAL RANCH RD
MARTIN, CALIF. 95966

MIAMI, FL 33134
1875 N. CA.
SAN JOSE, CA 9

Seamus D. Berns, Esq.
5701 Las Arroyo Blvd.
Suite 125
Knoxville, TN 37965

DINAL
 1875 NCAPOI AVE
 SAN JOSE CA 95122

DEMAND FOR PAYMENT OF RENT

To the Property Owners of CRYSTAL RANCH RD. FEATHER FALLS, CA
You are hereby notified that the City of Feather Falls, California

We are hereby notified that the Company is being insured solely associated with a public nuisance on property located at 40 CRYSTAL ROAD, Administration Building, and hereby demand a release of its Abatement.

[illegible]

A secondary of the same

APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH ROAD
DEMAND LETTER POSTING

DATE: 12/27/18

CEO: MF



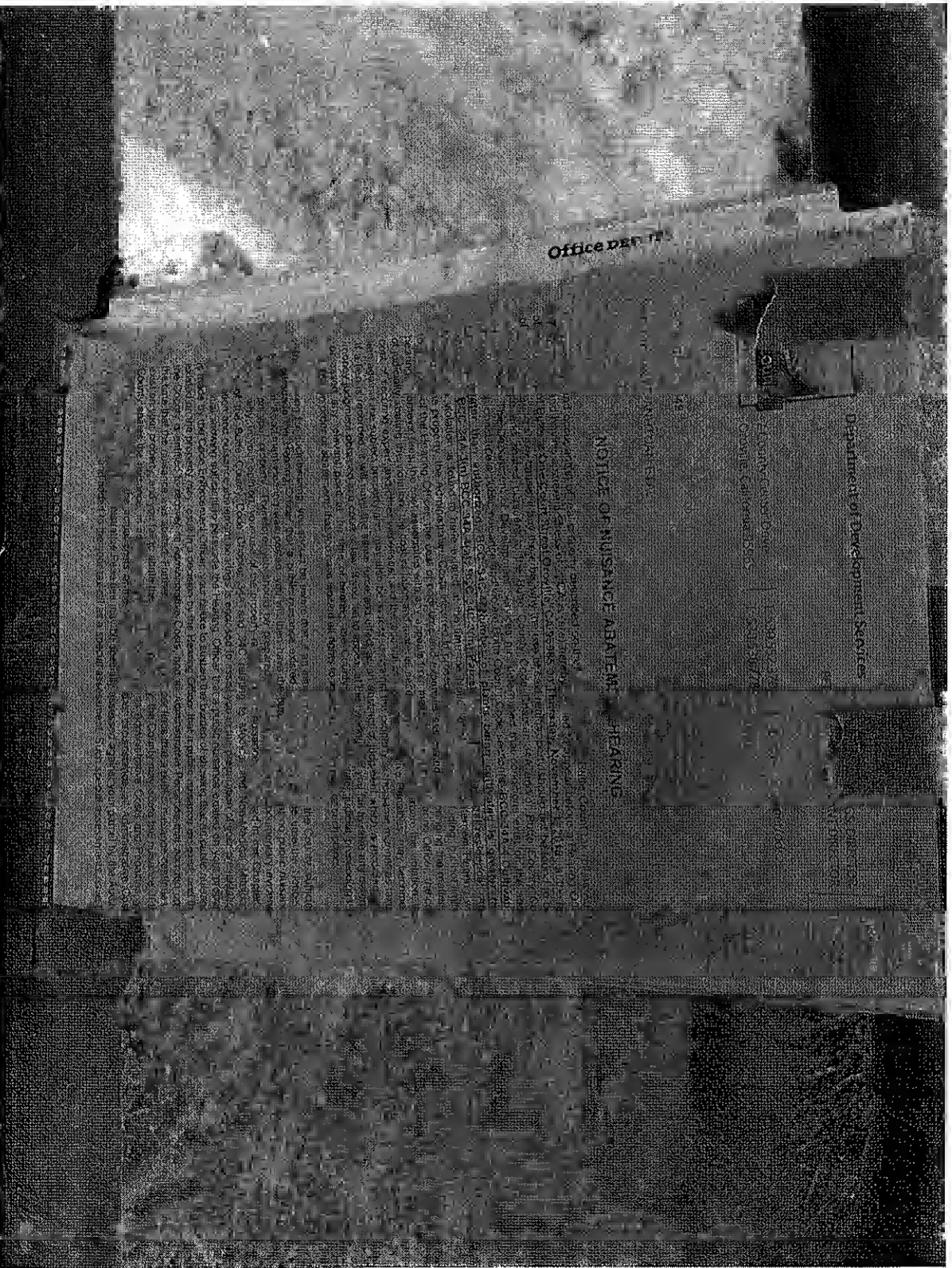
APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH RD

DATE: 9/7/18

CEO: MF



APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH RD
FLY OVER PHOTOS BY WILLIAMS AND TORRES

DATE: 10/19/18

CEO: MF



APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH RD

FLY OVER PHOTOS BY WILLIAMS AND TORRES

DATE: 10/19/18

CEO: MF



APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH RD
FLY OVER PHOTOS BY WILLIAMS AND TORRES

DATE: 10/19/18

CEO: MF



APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH RD

DATE: 7/31/18

CEO: MF



APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH RD

DATE: 7/31/18

CEO: MF



APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH RD

DATE: 7/31/18

CEO: MF



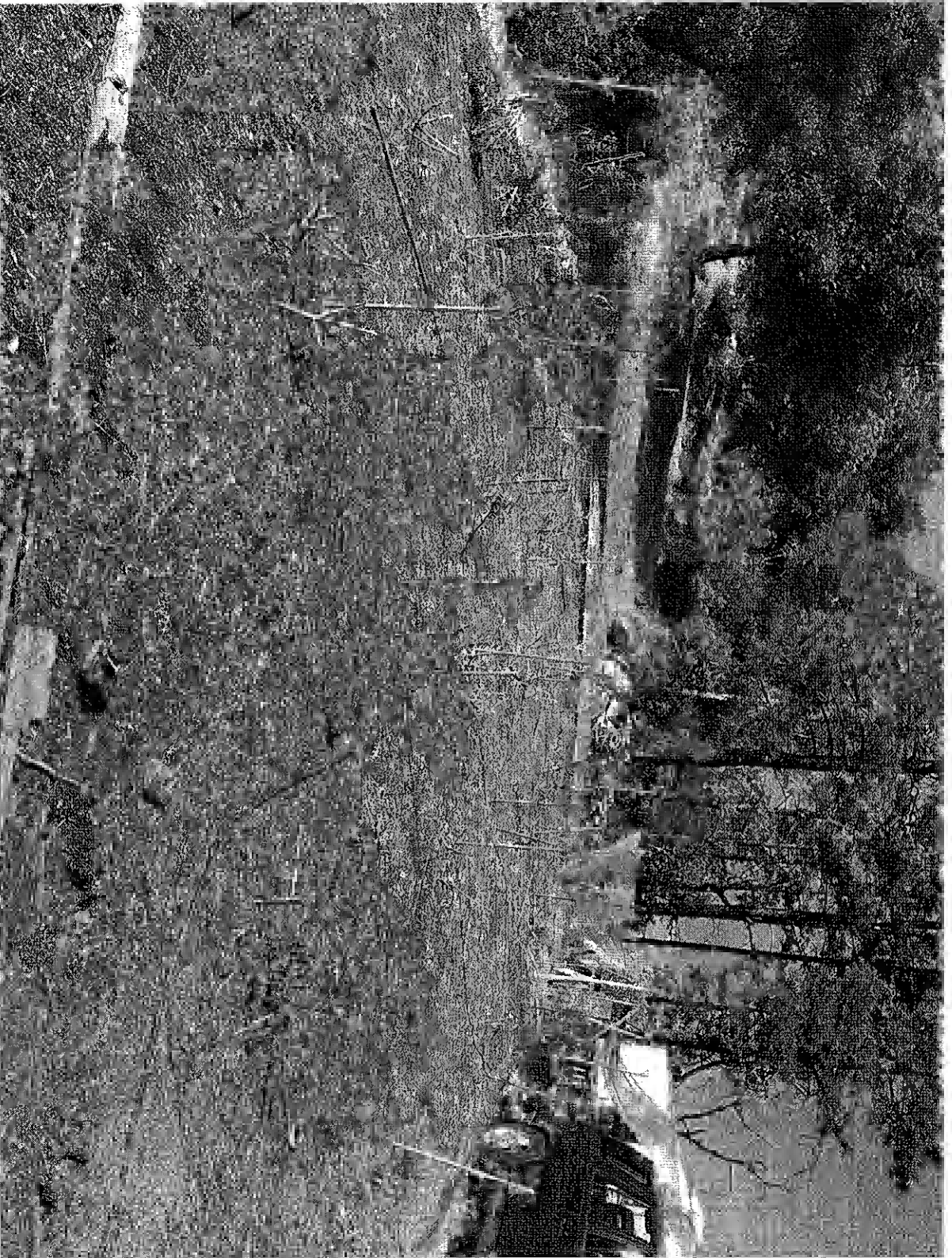
APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH RD
MARIJUANA ABATED

DATE: 11/1/18

CEO: MF



APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH RD
MARIJUANA ABATED

DATE: 11/1/18

CEO: MF



APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH RD
MARIJUANA ABATED

DATE: 11/1/18

CEO: MF



APN: 071-270-029

CASE #: CE18-0649 ADDRESS: 0 CRYSTAL RANCH RD
PHOTOS OF MARIJUANA STILL GROWING IN THE GROUND

DATE: 10/26/18

CEO: MF



APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH RD

DATE: 10/26/18

CEO: MF

PHOTOS OF MARIJUANA STILL GROWING IN THE GROUND



APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH RD

DATE: 10/26/18

CEO: MF

PHOTOS OF MARIJUANA STILL GROWING IN THE GROUND



APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH RD

DATE: 10/26/18

CEO: MF

PHOTOS OF MARIJUANA STILL GROWING IN THE GROUND



APN: 071-270-029

CASE #: CE18-0649 ADDRESS: 0 CRYSTAL RANCH RD
PHOTOS OF MARIJUANA STILL GROWING IN THE GROUND

DATE: 10/26/18

CEO: MF

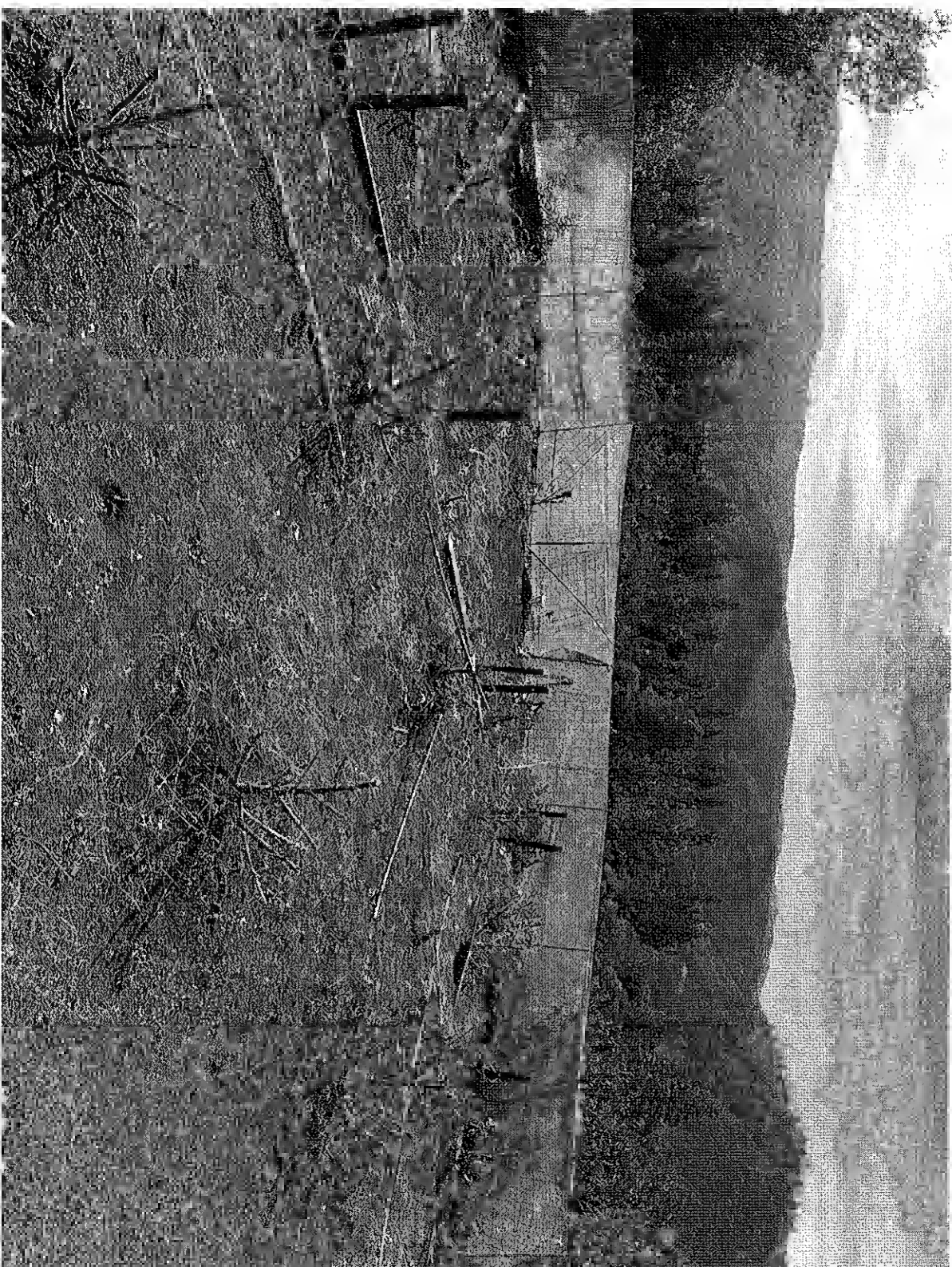


APN: 071-270-029

CASE #: CE18-0649 ADDRESS: 0 CRYSTAL RANCH RD
PHOTOS OF MARIJUANA STILL GROWING IN THE GROUND

DATE: 10/26/18

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APN: 071-270-029

CASE #: CE18-0649

ADDRESS: 0 CRYSTAL RANCH RD

DATE: 10/26/18

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PHOTOS OF MARIJUANA STILL GROWING IN THE GROUND



BILL CONNELLY
First District

DEBRA LUCERO
Second District

TAMI RITTER
Third District

STEVE LAMBERT
Fourth District

DOUG TEETER
Fifth District

BOARD OF SUPERVISORS

Administration Center
25 COUNTY CENTER DRIVE, SUITE 200 - OROVILLE, CALIFORNIA 95965
Telephone: (530) 552-3300



March 18, 2019

Le Anh Tuan Bial 0 Crystal Ranch Rd Oroville, CA 95966	Le Anh Tuan Bial 1874 N Capitol Ave #109 San Jose, CA 95132	John Le 1874 N Capitol Ave #109 San Jose, CA 95132	Samuel D. Berns, Esq. 5701 Lonefree Blvd, Suite 123 Rocklin, CA 95765
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John Le 0 Crystal Ranch Rd Oroville, CA 95966	Anthuan Le 0 Crystal Ranch Rd Oroville, CA 95966	Anthuan Le 1874 N Capitol Ave #109 San Jose, CA 95132
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NOTICE OF PROPOSED LIEN AND SPECIAL ASSESSMENT HEARING

To the Property Owners of: APN 071-270-029
0 Crystal Ranch Road, Oroville, CA 95966
Case: CE18-0649

You are hereby notified that the Department of Development Services, pursuant to Butte County Code Chapter 34A, has incurred costs associated with the abatement of a public nuisance on the following parcel: APN 071-270-029; 0 Crystal Ranch Road, Oroville, CA 95966; Case: CE18-0649, and proposes to record a lien and impose a special assessment to recover said costs.

The amount of the proposed lien and special assessment totals \$72,078.27, which constitutes the Department of Development Services' abatement and administrative costs to abate the public nuisance on the above property.

You are also hereby notified that the Board of Supervisors will hear and consider objections and protests to the proposed lien and special assessment on April 9, 2019, at 10:30 a.m., in the Board of Supervisors Chambers, 25 County Center Drive, Suite 205, Oroville, CA.

If the Board of Supervisors determines that the proposed lien and special assessment are authorized, the lien will be recorded against the property in the Office of the County Recorder and will be placed on the County tax roll as a special assessment.

Shari McCracken
Clerk of the Board



Department of Development Services

Tim Snellings, Director
Pete Calarco, Assistant Director

7 County Center Drive
Oroville, California 95965

T: 530.552.3702
F: 530.538.7785

buttecounty.net/dds

FORM NO.
DCE-04

RESTRICTIONS ON CANNABIS CULTIVATION 72-HOUR NOTICE TO ABATE ORDINANCE VIOLATION

Date Issued & Posted: 8/16/18

Violation Address: 0 Crystal Road Rd

Parcel #: 071-270-029 Owner: LE Anthony ETAL

Tenant: UNL

Case #: CFS-0049

City: Oroville

You are hereby on notice, pursuant to Butte County Code Chapter 34A and/or Chapter 34C, you are maintaining a public nuisance on the above-referenced property by:

- ☒ Cultivation area is greater than authorized size - BCC 34A-4
- ☒ Number of plants being cultivated is greater than authorized - BCC 34C-4
- ☒ Indoor grow required for parcel size - BCC 34A-4(b)(1); BCC 34C-4(a)(2)
- ☒ Parcel does not have a legal residence - BCC 34A-3(n); BCC 34A-4(a); BCC 34C-3(m)
- ☒ Setback violation from parcel line and/or residence - BCC 34A-8; BCC 34C-8
- ☒ Setback violation from a youth-oriented facility, school, park, church, residential treatment facility, school bus stop, or an occupied residential structure. BCC 34A-8(b)(1)(2)(3); BCC 34C-8(b)(1)(2)(3)
- ☒ Marijuana plants in public view - BCC 34A-8(b)(4); BCC 34C-8(b)(3)
- ☒ Fencing (no fencing, unapproved materials, plants taller than fence, unsecure access, etc.) BCC 34A-10; BCC 34C-10
- ☒ Indoor grow building violations (no permit, residential grow, no ventilation, etc.) - BCC 34A-3(h)

You are also on notice that an Administrative Penalty of \$500 per day will accrue each day that the nuisance exists for the first 72 hours that you are in violation. If the violation is not corrected within 72 hours, the Penalty will increase to \$1000 per day for each day you are in violation and the matter will be set for a Nuisance Abatement Hearing. In order to prevent the accrual of ongoing penalties and costs, it is your obligation to contact the Code Enforcement Officer, arrange a time for a Code Enforcement Officer to re-inspect your property, and demonstrate that all violations have been corrected. If you fail to do so and a Nuisance Abatement Hearing is scheduled, you will be required to pay all costs and penalties, which if not paid, will become a lien on your property.

Butte County Code Enforcement Officer

Owner/Tenant/Cultivator

My signature above acknowledges receipt of this 72-Hour Notice to Abate

My signature above acknowledges delivery of this 72-Hour Notice to Abate

#653 - 7631

CEIS-0649 me

LE JOHN ETAL
0 CRYSTAL RANCH RD
FEATHER FALLS, CA 95940

RETURN SERVICE REQUESTED



Butte County Department of Development Services
BUILDING * PLANNING * CODE ENFORCEMENT
7 County Center Drive
Oroville, CA 95965

CEIS-0649 me

LE ANHTUAN ETAL
1874 N CAPITOL AVE #109
SAN JOSE, CA 95132

RETURN SERVICE REQUESTED



Butte County Department of Development Services
BUILDING * PLANNING * CODE ENFORCEMENT
7 County Center Drive
Oroville, CA 95965

Clerk-Recorder's Department
 County of Butte
 CANDACE J. GRUBBS
 County Clerk-Recorder



2019-0020175 4/18/2019 12:35:00 PM

REC FEE 18.00

CONFORMED COPY 0.00

LIEN NOTICE 14.00

S&T TAX EXEMPT 0.00

Total Charges 32.00

JOURNAL 32.00

Total Tendered 32.00

Change .00

4/18/2019 12:35:34 PM
 2019041800173
 ECR REC-11

Thank You



Requested By B.C. Development Services

Clerk-Recorder's Department
 County of Butte
 CANDACE J. GRUBBS
 County Clerk-Recorder



2018-0039888 12/4/2018 11:02:00 AM

REC FEE 39.00
 CONFIRMED COPY 0.00

Total Charges 39.00
 JOURNAL 39.00

Total Tendered 39.00
 Change .00

12/4/2018 11:02:53 AM
 2018120400124
 ECR-REC-11

Thank You



Requested By B.C. Development Services